

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

Fill in this information to identify your case:

Debtor 1	<u>Kerry B. Hutsler</u>
	Name: First Middle Last
Debtor 2	<u></u>
(Spouse, if filing)	Name: First Middle Last
Case number:	<u>23-03095</u>
(If known)	

Check if this is an amended plan ☒

Amends plan dated: 11/14/2023

## Chapter 13 Plan

### Part 1: Notices

**To Debtor(s):** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules, administrative orders, and judicial rulings may not be confirmable.

*In the following notice to creditors, you must check each box that applies. Your failure to check a box that applies renders that provision ineffective.*

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the confirmation hearing, unless otherwise ordered. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is made. See Bankruptcy Rule 3015. In addition, a proper proof of claim must be filed in order to be paid under this plan.

The following matters may be of particular importance to you. Debtor(s) must check each box that applies. Debtor(s)' failure to check a box that applies renders that provision ineffective.

☐ The plan seeks to limit the amount of a secured claim, as set out in Part 3, § 3.2, which may result in a partial payment or no payment at all to the secured creditor.

☐ The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, § 3.4.

☐ The plan sets out nonstandard provision(s) in Part 9.

### Part 2: Plan Payments and Length of Plan

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$918 per Month for 60 months

*Debtor(s) shall commence payments within thirty (30) days of the petition date.*

**2.2 Regular payments to the trustee will be made from future income in the following manner (check all that apply):**

- ☐ Debtor(s) will make payments pursuant to a payroll deduction. Debtor(s) request a payroll deduction be issued to:
- ☒ Debtor(s) will make payments directly to the trustee.
- ☐ Other (specify method of payment)

**2.3 Income tax refunds and returns. Check one.**

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- ☐ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee income tax refunds received during the plan term, if any.
- ☒ Debtor(s) will treat income tax refunds as follows:  
**If a tax refund should be received, schedules I, J & the plan will be modified to disburse any additional disposable income to the general unsecured creditors.**
- ☐ Debtor(s) believe they are not required to file income tax returns and do not expect to receive tax refunds during the plan term.

**2.4 Additional Payment** *Check all that apply.*

- ☒ **None.** *If "None" is checked, the rest of § 2.4 need not be completed or reproduced.*

**2.5 Adequate Protection Payments**

Any adequate protection payments shall be made as part of this plan; see Part 3 or Part 9 for details. The secured creditor must file a proof of claim in order to receive payment. Unless otherwise ordered, adequate protection payments through the trustee shall be made as funds are available after the proof of claim is properly filed.

**Part 3: Treatment of Secured Claims****3.1 Maintenance of payments and cure of defaults, if any, on long-term secured debts.** *Check one.*

- ☐ **None.** *If "None" is checked, the rest of § 3.1 need not be completed or reproduced.*
- ☒ Debtor(s) or trustee will maintain the current contractual installment payments on the secured claims listed below. These payments will be disbursed either by the trustee or paid directly by Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee. Unless otherwise ordered, the amounts listed on a proof of claim, amended proof of claim, or notice of payment change control over any contrary amounts listed below as to the estimated amount of the creditor's total claim, current installment payment, and arrearage.

Name of Creditor	Collateral	Estimated Amount of Creditor's Total Claim	Current Installment Payment (including escrow)	Amount of Arrearage (if any)	Months Included in Arrearage	Monthly Fixed Payment on Arrearage	Monthly Fixed Payment on Arrearage to Begin
Avadian Credit Union	13 Dogwood Trail Alabaster, AL 35007 Shelby County	\$49,147.64	\$708.08 Disbursed by: <b>Debtor</b> To Begin: 10/23	\$1,982.66	Thru 11/23	\$40.00	5/24
Citizens	13 Dogwood Trail Alabaster, AL 35007 Shelby County	\$136,687.93	\$965.69 Disbursed by: <b>Debtor</b> To Begin: 10/23	N/A	N/A	N/A	N/A

**3.2 Request for valuation of security, claim modification, and hearing on valuation.** *Check one.*

- ☒ **None.** *If "None" is checked, the rest of § 3.2 need not be completed or reproduced.*

**3.3 Secured claims excluded from 11 U.S.C. § 506 and fully secured claims.** *Check one.*

- ☐ **None.** *If "None" is checked, the rest of § 3.3 need not be completed or reproduced.*
- ☒ The claims listed below:
- were incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of Debtor(s), or
  - were incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value, or
  - are fully secured.
- These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee as specified below. Unless otherwise ordered, the status and amount stated on a proof of claim or amended proof of claim



controls over any contrary amount listed below as to the estimated amount of the creditor's total claim, but the interest rate is controlled by the plan.

The holder of any claim listed below will retain the lien until the earlier of:

- (a) payment of the underlying debt determined under nonbankruptcy law, or
- (b) discharge under 11 U.S.C. § 1328(a), at which time the lien will terminate and be released by the creditor.

Name of Creditor	Monthly Adequate Protection Payment	Estimated Amount of Creditor's Total Claim	Collateral	Value of Collateral	Interest Rate	Monthly Fixed Payment to Creditor	Monthly Fixed Payment to Begin
Huntington National Bank	\$0.00	\$13,363.53	2015 Infinity QX50	\$14,075.00	5.14%	\$300.00	5/24

**3.4 Section 522(f) judicial lien and nonpossessory, nonpurchase-money ("Non-PPM") security interest avoidance. Check all that apply.**

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

**3.5 Surrender of collateral. Check one.**

☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒ Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the surrender of the collateral will be treated in Part 5 below.

Name of Creditor	Collateral
Avadian Credit Union	2010 Fleetwood Fiesta

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee's fees will be paid in full. Except as set forth in § 4.5, allowed priority claims also will be paid in full, without interest.

**4.2 Chapter 13 case filing fee. Check one.**

- ☒ Debtor(s) intend to pay the Chapter 13 case filing fee through the plan.
- ☐ Debtor(s) intend to pay the Chapter 13 case filing fee directly to the Clerk of Court.

**4.3 Attorney's fees.**

The total fee requested by Debtor(s)' attorney is \$4,500.00. The amount of the attorney fee paid prepetition is \$450.00. The balance of the fee owed to Debtor(s)' attorney is \$4,050.00, payable as follows (*check one*):

- ☒ \$1700 at confirmation and \$850 until 5/24 then \$500 per month thereafter until paid in full, or
- ☐ in accordance with any applicable administrative order regarding fees entered in the division where the case is pending.

**4.4 Priority claims other than attorney's fees and domestic support obligations. Check one.**

☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The other priority claims are listed below. Unless otherwise ordered, the amount of the creditor's priority claim listed on the proof of claim or amended proof of claim controls over any contrary amount listed below.

Name of Creditor	Estimated Amount of Claim to be Paid	Monthly Fixed Payment, if any, to Creditor	Monthly Fixed Payment, if any, to Begin
Internal Revenue Service	\$16,563.00	N/A	N/A

**4.5 Domestic support obligations. Check one.**

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☒ None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata.

**5.2 Percentage, Base, or Pot Plan. Check one.**

- ☐ 100% Repayment Plan. This plan proposes to pay 100% of each allowed nonpriority unsecured claim.
- ☒ Percentage Plan. This plan proposes to pay 5.00 % of each allowed nonpriority unsecured claim.
- ☐ Pot Plan. This plan proposes to pay \$\_\_\_\_, distributed pro rata to holders of allowed nonpriority unsecured claims.
- ☐ Base Plan. This plan proposes to pay \$\_\_\_\_ to the trustee (plus any tax refunds, lawsuit proceeds, or additional payments pursuant to §§ 2.3 and 2.4). Holders of allowed nonpriority unsecured claims will receive the funds remaining, if any, after disbursements have been made to all other creditors provided for in this plan

**5.3 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**

☒ None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

**5.4 Maintenance of payments and cure of any default on long-term nonpriority unsecured claims. Check one.**

☒ None. If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

**5.5 Other separately classified nonpriority unsecured claims. Check one.**

☒ None. If "None" is checked, the rest of § 5.5 need not be completed or reproduced.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed, will be treated as specified, and any defaults cured. Check one.**

☒ None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**6.2 The executory contracts and unexpired leases listed below are rejected: Check one.**

☒ None. If "None" is checked, the rest of § 6.2 need not be completed or reproduced.

**Part 7: Sequence of Payments**

**7.1 Unless otherwise ordered, the trustee will make the monthly payments required in Parts 3 through 6 in the sequence of payments set forth in the administrative order for the division in which this case is pending.**

**Part 8: Vesting of Property of the Estate**

**8.1 Property of the estate will vest in Debtor(s) (check one):**

- ☒ Upon plan confirmation.
- ☐ Upon entry of Discharge

**Part 9: Nonstandard Plan Provisions**

☒ None. If "None" is checked, the rest of Part 9 need not be completed or reproduced.

**Part 10: Signatures:**

Chapter 13 Plan

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**Signature(s) of Debtor(s) required.**

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**Signature(s) of Debtor(s) (required):**

X /s/ Kerry B. Hutsler  
Kerry B. Hutsler

Date January 29, 2024

X \_\_\_\_\_

Date

**Signature of Attorney for Debtor(s):**

X /s/ C. Taylor Crockett  
C. Taylor Crockett  
2067 Columbiana Road  
Birmingham, AL 35216  
205-978-3550

Date January 29, 2024

Name/Address/Telephone/Attorney for Debtor(s):

By filing this document, Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in this district's Local Form, other than any nonstandard provisions included in Part 9.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

In re: )  
 )  
Kerry B. Hutsler, ) Case No.: 23-03095-DSC-13  
 )  
Debtor(s). )

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served upon the party listed below and the attached matrix by electronic filing and/or by placing a copy to each in the U.S. Mail first-class postage prepaid this the 29<sup>th</sup> day of January, 2024.

Bradford W. Caraway  
Chapter 13 Standing Trustee  
P.O. Box 10848  
Birmingham, AL 35202-0848

/s/C. Taylor Crockett  
C. Taylor Crockett



Label Matrix for local noticing  
1126-2  
Case 23-03095-DSC13  
NORTHERN DISTRICT OF ALABAMA  
Birmingham  
Mon Jan 29 13:17:36 CST 2024  
  
U. S. Bankruptcy Court  
Robert S. Vance Federal Building  
1800 5th Avenue North  
Birmingham, AL 35203-2111

Avadian Credit Union  
1 Riverchase Pkwy. S.  
Hoover, AL 35244-2008

Capital One Auto Finance, a division of Capi  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

Aramark Industries  
C/O CFM Financial Group  
P.O. Box 674257  
Marietta, GA 30006-0071

Amazon Capital Services, Inc.  
410 Terry avenue North  
Seattle, WA 98109-5210

(p)APPLIED BANK  
PO BOX 15809  
WILMINGTON DE 19850-5809

Capital One Bank (USA), N.A.  
P.O. Box 31293  
Salt Lake City, UT 84131-0293

Capital One N.A.  
by American InfoSource as agent  
PO Box 71083  
Charlotte, NC 28272-1083

Citizens  
P.O. Box 6260  
Glen Allen, VA 23058-6260

(p)FIRST NATIONAL BANK OF OMAHA  
1620 DODGE ST  
STOP CODE 3113  
OMAHA NE 68102-1593

First National Bank of Omaha  
c/o BQ & Associates, PC, LLO  
14211 Arbor Street, Suite 100  
Omaha, NE 68144-2312

Goldman Sachs Bank USA  
c/o Zwicker and Associates, P.C.  
Attorneys/Agents for Creditor  
P.O. Box 9043  
Andover, MA 01810-0943

Huntington National Bank  
P.O. Box 89424  
Cleveland, OH 44101-6424

I.H. McNeill, III, P.C.  
2105 Old Montgomery Highway  
Suite 100-A  
Pelham, AL 35124-1142

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

(p)LABORATORY CORPORATION OF AMERICA  
ATTN GOVERNMENT AUDITS  
PO BOX 2270  
BURLINGTON NC 27216-2270

Lendingpoint, LLC  
1201 Roberts Blvd. NW  
Suite 200  
Kennesaw, GA 30144-3612

Marcus  
Goldman Sachs Bank USA  
P.O. Box 45400  
Salt Lake City, UT 84145-0400

Purovite, Inc.  
7347 SW 45th Street  
Miami, FL 33155-4509

Quantum3 Group LLC as agent for  
Sadino Funding LLC  
PO Box 788  
Kirkland, WA 98083-0788

Regions Bank  
P.O. Box 11407  
Birmingham, AL 35246-8651

(p)STATE OF ALABAMA DEPARTMENT OF REVENUE  
P O BOX 320001  
MONTGOMERY AL 36132-0001

Truist Bank  
Attn: Support Services  
P.O. Box 85092 Mail Code 306-40-06-10  
Richmond, VA 23286-0001

Truist Bank  
P.O. Box 580435  
Charlotte, NC 28258-0435

Truist Bank  
P.O. Box 849  
Wilson, NC 27894-0849

U.S. Attorney  
Northern District of Alabama  
1801 4th Avenue N  
Birmingham, AL 35203-2101

(p)CHAPTER 13 STANDING TRUSTEE  
ATTN BRADFORD W CARAWAY  
PO BOX 10848  
BIRMINGHAM AL 35202-0848

C Taylor Crockett  
2067 Columbiana Road  
Birmingham, AL 35216-2139

Kerry B. Hutsler  
13 Dogwood Trail  
Alabaster, AL 35007-7707

Raquel Hutsler  
13 Dogwood Trail  
Alabaster, AL 35007-7707

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Applied Bank  
Legal Dept  
601 Delaware Avenue  
Wilmington, DE 19801

Bank of America  
P.O. Box 982235  
El Paso, TX 79998-2235

FNBO  
P.O. Box 3696  
Omaha, NE 68103-0696

LabCorp  
P.O. Box 2240  
Burlington, NC 27216-2240

State of Alabama  
Dept. of Revenue  
50 North Ripley Street  
Montgomery, AL 36132

(d)State of Alabama Department of Revenue  
Legal Division  
P.O. Box 320001  
Montgomery, Alabama 36132-0001

Bradford W. Caraway  
Chapter 13 Standing Trustee  
P O Box 10848  
Birmingham, AL 35202-0848

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)The Huntington National Bank  
PO Box 89424  
Cleveland, OH 44101-6424

End of Label Matrix	
Mailable recipients	32
Bypassed recipients	1
Total	33